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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,911	07/28/2003	Colin Chee Chong Hin	70010991-1	8101

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AGILENT TECHNOLOGIES, INC.
Intellectual Property Administration
Legal Department, DL429
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EXAMINER

MOUTTET, BLAISE L

ART UNIT PAPER NUMBER

2853

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary	Application No.	Applicant(s)	
	10/628,911	CHONG HIN, COLIN CHEE	
	Examiner	Art Unit	
	Blaise L. Mouttet	2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 10-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-24 is/are allowed.
- 6) ☒ Claim(s) 1-7, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1, 4-6, 10 and 11 are rejected under 35 U.S.C. 102(a) as being anticipated by Kawase et al. GB 2 379 414 A.

Kawase et al. discloses, regarding claim 1, a system for printing (figure 5, note: while Kawase et al. teaches the application of an inkjet printhead in the formation of a flexible display using the deposition of polymeric materials this is still well within the generic definition of "printing" and, in any case, recited intended use in the preamble does not limit apparatus claims over prior art structure when the prior art structure is clearly capable of performing the intended use, see MPEP 2111.02), the system comprising:

an optical sensor (16) that is movable (the CCD sensor 16 is movable via gantry 4 as explained in page 19, lines 10-12 and page 20, lines 25-29) relative to a print medium (flexible substrate 30 printed on by print heads 20); and

a print medium feed mechanism (10) comprising a roller (print drum) wherein a mark (11) is located on the roller (figure 5, page 20, lines 25-29) and visible to the optical sensor (16) within the range of movement of the optical sensor, the mark providing a known location that can be used to establish a position of the optical sensor

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(figure 5, page 22, lines 3-5), wherein a first position of said optical sensor established according to said mark (11) is capable of being used for determining an error associated with a second position determined using information from said print medium sensed as said optical sensor moves relative to the print medium (page 21, lines 10-17, also MPEP 2114 is emphasized, functional language, eg. "capable of", does not distinguish apparatus claims from the prior art when the prior art is able to perform such function).

Regarding claim 3, the mark (11) on the roller (10) is visible to the optical sensor (16) during transport of the print medium (30) (page 20, lines 25-29).

Regarding claims 4 and 5, the mark is one of a plurality of marks (11) located at fixed and known positions along the roller length including both ends of the roller (figure 5) and the optical sensor is positioned to sense the marks (page 20, lines 25-29).

Regarding claim 6, a second optical sensor (further CCD camera 16) is taught to be positioned so as to sense information from the print medium (30) (page 22, lines 6-8).

Regarding claim 10, MPEP 2114 is again emphasized. The apparatus of Kawase et al. is capable of performing the function of determining a rotational mounting error because both the sensor and alignment marks on the print media are provided.

Regarding claim 11, an inkjet printhead capable of ejecting ink is coupled to the sensor (see title, figure 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawase et al. GB 2 379 414 in view of Marinoff US 4,207,578.

Kawase et al. discloses the limitations of claim 1 as explained in the 35 USC 102 rejection above with the marks (11) formed on a first roller (10) of a feed mechanism. Kawase et al. uses a vacuum drum and inkjet printheads in the disclosed system (abstract) indicating that teachings relevant to inkjet printing and vacuum drums used in inkjet printing are relevant.

Kawase et al. fails to disclose a second roller.

Marinoff discloses a vacuum roller (12) for inkjet devices conveyed over a drum by worm (20) (analogous to the gantry system of Kawase et al.) and second and third rollers (36, 37) used with the vacuum roller to form a feed mechanism for a print medium (figure 1, column 4, lines 4-8).

It would have been obvious for a person of ordinary skill in the inkjet art at the time of the invention to utilize the print media feed mechanism of Marinoff as the feed mechanism of Kawase et al.

The motivation for doing so would have been to enable feeding of the print media to the vacuum roller from a supply stack of print media as taught by Marinoff.

Allowable Subject Matter

3. Claims 12-24 are allowable for reasons of record (see office action of November 9, 2004).

Response to Arguments

4. Applicant's arguments filed February 14, 2005 have been fully considered but they are not persuasive as to the allowability of the rejected claims.

While it is agreed that the rejections utilizing Courtney '752 has been overcome by the amendment of February 14, 2005 and the method claims are allowable, the apparatus claims presented are rejected because the applied prior art (Kawase et al. '414) is **capable of** performing the cited functions. See MPEP 2114.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Blaise Mouttet who may be reached at telephone number (571) 272-2150. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier, Art Unit 2853, can be reached at (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Blaise Mouttet March 25, 2005

Bm 3/25/2005


LAMSON NGUYEN
PRIMARY EXAMINER
04/01/05